

VILLAGE OF PELHAM BOARD OF TRUSTEES MEETING  
TUESDAY, MARCH 15, 2005 8:00 PM  
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY  
AGENDA

1. Call Public Meeting To Order
  2. Pledge of Allegiance
  3. Mayor's Report
  4. Trustees' Reports
  5. Village Administrator's Report
  6. Public Comment
- Approximate

Starting

Time

# Agenda Items:  
Discussion

of

	<b>Financing and Grants</b>	<b>8:15 p.m.</b>
7	Discussion and review of recent bond authorizations for equipment and facilities.	<b>Authorizations amended.</b>
8	Resolution to approve agreements regarding \$250,000 contribution by Marbury Corners LLC to the Village for construction of a storm water drain line down First St. and other flood remediation measures.	<b>Approved.</b>
9	Authorizing a grant application to the Greenway for Downtown Improvements.	<b>Approved.</b>
	<b>Bid Award</b>	<b>8:30 p.m.</b>
10	Award of contract for Conceptual Design of Linear Park, Streetscape and Parking.	<b>Tabled.</b>
	<b>Budget</b>	<b>8:45 p.m.</b>
11	Resolution to establish the date and time for the Budget Hearing on the Village of Pelham Proposed Budget for FY 2005-2006.	<b>Approved.</b>
	<b>Property Disposition</b>	<b>8:50 p.m.</b>
12	Consideration of request by Steve and Bernadette Ferguson to purchase approximately 190 square feet of surplus Village-owned B & W property.	<b>Discussed.</b>
	<b>Personnel</b>	<b>9:00 p.m.</b>
13	Discussion of advisability of hiring a new employee in dual function as Parking Enforcement Officer and School Crossing Guard.	<b>Approved.</b>
14	Appointing a laborer to fill a vacancy in the Public Works Department.	<b>Approved.</b>
	<b>Use of Village Facilities</b>	<b>9:15 p.m.</b>
15	Discussion of inviting all County, State and Federal elected officials who represent Pelham, to use unutilized space at Village Hall for meetings with Pelham residents.	<b>Discussed and authorized; letter to Reps..</b>
	<b>Parking</b>	<b>9:30 p.m.</b>
16	Discussion of parking on: First Street between 2 <sup>nd</sup> Avenue and 4 <sup>th</sup> Avenue; Seventh Street west of 5 <sup>th</sup> Avenue; Third Avenue by First Street	<b>Tabled.</b>
	<b>Housekeeping</b>	<b>10:00 p.m.</b>
17	Old Business/New Business. Discussion of Upcoming meeting dates and times.	<b>Discussed.</b>
18	Approval of accounts payable and authorization of payment.	<b>Approved.</b>

19	Motion to approve the minutes: Sept. 21, 2004;      November 16, 2004;      February 1, 2005; October 5, 2004;      December 7, 2004;      February 15, 2005; October 19, 2004;      December 21, 2004;      March 1, 2005 November 2, 2004;      January 18, 2005;	<b>Approved by the Trustees present at each meeting.</b>
20	Adjournment – Request for Executive Session on 2 personnel matters, and a matter of potential litigation.	

\* Next meeting of the Board of Trustees – Organizational Meeting Monday, April 4, 2005  
 Agenda is subject to change until the night of the meeting.

MINUTES OF A REGULAR MEETING OF THE  
VILLAGE OF PELHAM BOARD OF TRUSTEES  
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY  
TUESDAY, MARCH 15, 2005

Mayor Michael J. Clain called the meeting to order at 8:00 pm followed by the Pledge of Allegiance.

The following members of the Board of Trustees were present:

Mayor Michael J. Clain; Trustees Ciro Greco, David Merrick, Peter Potocki, Michael Rozycki, Mia Homan and Edward Hotchkiss (8:10 pm)

Village staff in attendance:

Village Administrator Richard Slingerland, Assistant to the Administrator Dennis DelBorgo, and Village Attorney Robert Tracy (10:00 pm).

Item #3 – Mayor’s Report

The Mayor would like to continue discussions on shared services with Pelham Manor covering Police, Fire and DPW while continuing to find new ways to cut expenses.

Item #4 – Trustee’s Reports

Trustee Greco reported that the Fire Department had an excellent response to the recent fire at Mike’s Pelham Grille. He distributed copies of draft recommendations made by the Building and Zoning Code Revision Committee and requested that the Board review them.

Trustee Potocki reported there were two recent robberies, both resulting in arrests by the Pelham Police Department. He thanked all officers involved in the investigations including Sergeant Ralph DeMasi, Police Officers Joseph DiBenedetto, James Mitrione and Detective Rick Deere. He announced Police Officer and PBA President James Mitrione personally delivered welcome packets to new residents in the village. He thanked him and Police Chief Joe Benefico and Village Clerk Terri Rouke for their efforts. Furthermore, the new Police K-9 is in training. The Police Department will be seeking suggestions for a name for the dog from Hutchinson and Colonial school children. He thanked all those who made contributions to the K-9 Unit Fund Drive.

Trustee Rozycki reported he will be working with the new Municipal Planning Committee formed by Mayor Clain.

Trustee Homan announced that she would be reviewing the Streetscape bid proposals, and that CSEA negotiations were continuing and proceeding well.

Item #5 – Village Administrator’s Report

Village Administrator Slingerland announced that the office trailer owned and operated by Ginsburg Development Corporation at the Marbury Corners site is to be moved onto village property to facilitate construction of the next phase of this project, on the lot at the corner of 3<sup>rd</sup> Avenue and 1<sup>st</sup> Street. The MTA will soon begin work on the New York City bound railroad tracks at the Pelham Train Station. This will be a significant project requiring large machinery and late night and early morning work hours, which will likely cause disruptions. Hydrant flushing will be completed the week of 4/11/05 from 9:00 pm to midnight.

Item #6 – Public Comment

John Cassone of 7<sup>th</sup> Avenue agreed that the packets being distributed to new residents was a great idea and thanked those involved. As a member of the Pelham Development Council he reported that the PDC had conducted a telephone survey of Town of Pelham residents regarding shared services, and a high percentage of respondents favored increased discussion on shared services between Pelham and Pelham Manor. Despite resistance from Pelham Manor, discussions should continue.

Paul McKenna of the B&B Pub on 5<sup>th</sup> Avenue requested an update on an incomplete sidewalk repair project near his business. Administrator Slingerland stated there was a delay in completion due to the poor quality of work and the sidewalks needed to be re-done. The expected time-frame was 3-6 months. Mayor Clain requested that all efforts be made to complete the project more quickly.

Item #14 (taken first) -- Appointing a laborer to fill a vacancy in the Public Works Department.

After discussion, on the motion of Trustee Homan, seconded by Trustee Potocki, the Board of Trustees adopted the following resolution unanimously by vote of seven in favor, none opposed, as follows:

RESOLUTION

AUTHORIZING THE APPOINTMENT OF KOWSHIK RAMAN  
AS A LABORER, “FIRST” (ENTRY LEVEL)  
WITH THE VILLAGE OF PELHAM PUBLIC WORKS DEPARTMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the appointment by the Mayor of Kowshik Raman of Pelham, NY, effective Monday, March 14, 2005, to the position of Laborer, “First”, at a starting salary of \$42,960, subject to the requirements of Civil Service, for a six-month

probationary period in accordance with Article XII of the CSEA contract, and authorizes the Mayor, the Village Administrator and the Public Works General Foreman to take the necessary and appropriate actions to effect this appointment.

Item #7 -- Discussion and review of recent bond authorizations for equipment and facilities.

At the Board Meeting of February 1, 2005, there were three contracts the Village had to award. In order to award a contract, State law requires the funding source to be in place beforehand. At the night of the meeting, several Trustees expressed their preference to pay for the garage door replacements out of fund balance, instead of out of bond proceeds, since the total amount was not projected to exceed \$12,600. The following resolutions accomplish that purpose.

Mayor Clain commented he was not pleased with the \$80,000 bond authorized for the planners, which did not match his statement that the Village only bonds for long-term capital improvements.

After discussion, on the motion of Trustee Homan, seconded by Trustee Greco, the Board of Trustees adopted the following resolution unanimously by vote of seven in favor, none opposed, as follows:

RESOLUTION

AUTHORIZING AN APPROPRIATION FROM GENERAL FUND SURPLUS  
AND A BUDGET AMENDMENT TO INCREASE THE APPROPRIATION  
FOR THE CENTRAL GARAGE CAPITAL IMPROVEMENTS ACCOUNT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes payment of up to \$11,000 from Central Garage – Capital Improvements account, and authorizes an appropriation of additional fund balance and an increase in expenditures in the amount of \$8,500 as follows:

GENERAL FUND BUDGET AMENDMENT

<u>Account #</u>	<u>Description</u>	<u>Amount</u>	<u>Account #</u>	<u>Description</u>	<u>Amount</u>
INCREASE REVENUE			INCREASE EXPENDITURE		
A4000	Approp. Fund Bal.	\$8,500	A1640.203	Cent. Gar. – Capital Imps	\$8,500

After discussion, on the motion of Trustee Greco, seconded by Trustee Merrick, the Board of Trustees adopted the following resolution unanimously by vote of seven in favor, none opposed, as follows:

**RESOLUTION RESCINDING A BOND RESOLUTION, DATED FEBRUARY 1, 2005, AUTHORIZING THE ISSUANCE OF UP TO \$12,600 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PELHAM, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE**

**ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF GARAGE IMPROVEMENTS FOR THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW.**

**WHEREAS**, the Board of Trustees of the Village of Pelham (the "Village"), located in Westchester County, in the State of New York, determined that it is in the public interest of the Village to authorize the financing of the costs of the acquisition, construction and reconstruction of garage improvements for the Village, including any machinery, apparatus or equipment necessary therefor and any preliminary and incidental costs related thereto (the "Project"), in accordance with the Local Finance Law, in the total amount of \$12,600 pursuant to a bond resolution adopted by the Board of Trustees of the Village of February 1, 2005 (the "Original Resolution"), a true copy of such resolution which is attached hereto, authorizing serial bonds, and bond anticipation notes issued in anticipation of such serial bonds, of the Village; and

**WHEREAS**, the Board of Trustees of the Village has determined it will finance the Project with other available funds of the Village;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Pelham, County of Westchester, State of New York, as follows:

Section 1. The Original Resolution is hereby rescinded and the authority granted thereby is revoked.

Section 2. This resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

After discussion, on the motion of Trustee Rozycki, seconded by Trustee Merrick, the Board of Trustees adopted the following resolution unanimously by vote of seven in favor, none opposed, as follows:

**AMENDATORY BOND RESOLUTION AMENDING A BOND RESOLUTION DATED FEBRUARY 1, 2005, AUTHORIZING THE ISSUANCE OF UP TO \$80,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PELHAM, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE PLANNING COSTS FOR THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF VARIOUS FACILITIES IN AND FOR THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW.**

**WHEREAS**, the Board of Trustees of the Village of Pelham (the "Village"), located in Westchester County, in the State of New York, determined that it is in the public interest of the Village to authorize financing of the planning costs for the acquisition, construction and reconstruction of various facilities in and for the

Village, including any machinery, apparatus or equipment, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, , in accordance with the Local Finance Law, in the total amount of \$80,000 pursuant to a bond resolution adopted by the Board of Trustees of the Village of February 1, 2005 (the "Original Resolution"), a true copy of such resolution which is attached hereto, authorizing serial bonds, and bond anticipation notes issued in anticipation of such serial bonds, of the Village; and

**WHEREAS**, the Board of Trustees of the Village has determined it will finance a portion of the planning costs for the acquisition, construction and reconstruction of various facilities in and for the Village with other available funds of the Village;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Pelham, County of Westchester, State of New York, as follows:

Section 1. The amount authorized by the Original Resolution shall be amended throughout the Original Resolution to read \$50,000.

Section 2. All other terms and conditions set forth in the Original Resolution are hereby ratified, approved and confirmed, made a part hereof and incorporated by reference herein where not restated herein or inconsistent with any provision hereof.

Section 3. This resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

Item #8 -- Resolution to approve agreements regarding \$250,000 contribution by Marbury Corners LLC to the Village for construction of a storm water drain line down First St. and other flood remediation measures.

Mayor Clain explained the thought processes and negotiations leading up to this agreement, including the provision that the escrow be held by Clifton, Budd and DeMaria.

Trustee Greco and other Trustees congratulated the Mayor on an excellent job.

After discussion, on the motion of Trustee Rozycki, seconded by Trustee Merrick, the Board of Trustees adopted the following resolution unanimously, as amended, by vote of seven in favor, none opposed, as follows:

## RESOLUTION

### AUTHORIZING A CONTRIBUTION AGREEMENT AND AN ESCROW AGREEMENT

BETWEEN THE VILLAGE OF PELHAM AND GINSBURG DEVELOPMENT  
CORP.  
TO ADDRESS INFRASTRUCTURE ISSUES ON FIRST STREET

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes a contribution agreement for the Village of Pelham to receive \$250,000 from the Marbury Corners L.L.C. to fund the relocation of storm sewer lines and/or sanitary sewer lines, and if any funds remain after the contract is awarded and completed, they shall be used for flooding remediation; and

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes an escrow agreement for the Village of Pelham to receive \$250,000 to be held in escrow on behalf of the Village by Clifton, Budd and DeMaria to be used by the Village; and

BE IT FURTHER RESOLVED, that the Mayor, the Village Attorney, the Village Administrator and all other appropriate Village Officials are authorized to take the necessary and appropriate actions to effect the provisions of these agreements, provided that the Board is satisfied with Metro North's approvals.

Item #9 -- Authorizing a grant application to the Greenway for Downtown Improvements.

After discussion, on the motion of Trustee Homan, seconded by Trustee Potocki, the Board of Trustees adopted the following resolution unanimously, by vote of seven in favor, none opposed, as follows:

RESOLUTION

VILLAGE OF PELHAM  
AUTHORIZING AN APPLICATION  
TO THE HUDSON RIVER GREENWAY

WHEREAS, the Village of Pelham, NY, is applying to the Hudson River Valley Greenway for a grant under the 2005 Greenway Conservancy for the Hudson River Valley Annual Grant Program for a project entitled, "Phase 2 – Implementation of the Village of Pelham Downtown Streetscape Improvement Program", to be located in the Village of Pelham, Westchester County, New York; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval of the governing body of the Village of Pelham, and such is hereby granted by the Board of Trustees of the Village of Pelham.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham, New York, hereby approves and endorses the application for a grant under the 2005 Greenway Conservancy for the Hudson River Valley Annual Grant Program for a project known as, "Phase 2 – Implementation of the Village of Pelham Downtown Streetscape Improvement Program", to be located in the Village of Pelham, Westchester County, New York; and

BE IT FURTHER RESOLVED, that the Mayor, the Village Administrator and the Village Attorney are authorized to take the necessary and appropriate actions to sign and file this grant application on behalf of the Village of Pelham.

Item #10 -- Award of contract for Conceptual Design of Linear Park, Streetscape and Parking.

This matter was discussed briefly and tabled, to allow Trustee Homan and any other interested Trustees the opportunity to review the bids and proposals for this work.

Item #11 -- Resolution to establish the date and time for the Budget Hearing on the Village of Pelham Proposed Budget for FY 2005-2006.

After discussion, on the motion of Trustee Homan, seconded by Trustee Hotchkiss, the Board of Trustees adopted the following resolution unanimously, by vote of six in favor, none opposed, one absent (Merrick) as follows:

Village of Pelham, NY  
Notice of Public Hearing  
On the 2005-2006 Proposed Budget

BE IT RESOLVED, that pursuant to Section 5-508 of the NYS Village Law, the Board of Trustees of the Village of Pelham hereby gives notice that there will be a Public Hearing held on Monday, April 4, 2005, at 8:00 p.m. in Village Hall, 195 Sparks Avenue, Pelham, New York, on the Proposed Budget of the Village of Pelham for Fiscal Year 2005-2006.

A copy of the budget will be available at the office of the Village Clerk in compliance with New York State Law at or after 12 Noon on Monday, March 21, 2005 and may be inspected there by any interested person during office hours of 8 a.m. to 5:00 p.m.

As required by State Law, notice is hereby made that the compensation of the Mayor and Board of Trustees is as follows:

Title	Positions	Annual Compensation
Mayor	(1)	\$5,000
Trustees	(6)	\$2,000

\* Note: The Budget hearing may be continued, but must be adjourned on or before April 20, 2005.

By Order Of Mayor Michael J. Clain  
And Board Of Trustees

Tuesday, March 15, 2005,

Richard Slingerland  
Village Administrator/Treasurer

Item #12 -- Consideration of request by Steve and Bernadette Ferguson to purchase approximately 190 square feet of surplus Village-owned B & W property.

A draft survey of the property to be conveyed was presented and discussed. The next step would be for the Village to obtain an appraisal of the surplus property, with the understanding that the applicants would have to reimburse all fees and costs to the Village at closing.

This matter was discussed by the Board, and approved in concept.

Item #13 -- Discussion of advisability of hiring a new employee in dual function as Parking Enforcement Officer and School Crossing Guard.

The Board discussed staffing of the Police Department, and the fact it is currently low due to 3 long-term work-related injuries and 3 short-term non-work-related injuries and/or medical conditions.

In addition, 2 crossing guards recently left – Nancy Fendrich retired, and Fran Mucci left to take a full time job. Due to the crossing guards leaving, the police department has been back-filling the crossing guard positions with Parking Enforcement Officers and Police Officers.

Trustee Rozycki suggested that existing Parking Enforcement Officers be used as Crossing Guards, or making the position of Crossing Guard more attractive by offering a higher salary. There were questions as to whether this role would be within their job descriptions and Civil Service titles. Trustee Potocki stated that a PEO who also acts as a School Crossing Guard would more than pay for the hours worked at the crossings, by collecting parking fines the rest of the shift. Trustee Hotchkiss stated that additional enforcement was needed Monday through Friday, as well as on Saturdays.

After discussion, on the motion of Trustee Merrick, seconded by Trustee Potocki, the Board of Trustees adopted the following resolution unanimously, by vote of five in favor, none opposed, two absent (Greco and Homan) as follows:

RESOLUTION

BUDGET AMENDMENT  
TO ADD A FULL-TIME  
PARKING ENFORCEMENT OFFICER/SCHOOL CR. GUARD

RESOLVED, that the Mayor and Board of Trustees authorize an amendment to the Fiscal Year 2004-2005 Budget to increase the number of authorized positions of Parking Enforcement Officer by one (1) to a total of three (3), and to increase the total revenues and expenses by \$5,000 to cover the remaining portion of the year as follows:

GENERAL FUND BUDGET AMENDMENT

<u>Account #</u>	<u>Description</u>	<u>Amount</u>	<u>Account #</u>	<u>Description</u>
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INCREASE REVENUE

A.2610	Fines Just. Court	\$5,000
Officer	\$5,000	

INCREASE EXPENDITURE

A3120.106	Pkg. Enf.
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Item #15 – Discussion of inviting all County, State and Federal elected officials who represent Pelham, to use unutilized space at Village Hall for meetings with Pelham residents.

The Village of Pelham was recently approached by and made a verbal agreement with Senator Jeffrey Klein's Office, to allow them non-exclusive use of the Pelham Section 8 Housing Office at times when the office was not in use.

The non-exclusive use of the office would mean they would not put furniture here, maintain files or equipment such as computers or copiers, and would relinquish the office for Village uses when we needed it.

The Board discussed extending such an offer, and agreed to send a letter to the Village's local representatives, including the following:

County Legislator James Maisano  
State Senator Jeffrey Klein  
State Assemblywoman Amy Paulin  
U.S. Congresswoman Nita M. Lowey

Item #16 – Discussion of parking on: First Street between 2<sup>nd</sup> Avenue and 4<sup>th</sup> Avenue; Seventh Street west of 5<sup>th</sup> Avenue; Third Avenue by First Street.

During a recent discussion with the Police Chief, Fire Chief and General Foreman, there was a review of the parking arrangements and traffic impacts on First Street, between Second Avenue and 4<sup>th</sup> Avenue; Seventh Street west of 5<sup>th</sup> Avenue (by B & B's); and Third Avenue by First Street, in front of the new Marbury Corners Building.

The Board discussed this matter, and Paul McKenna of B & B's Pub addressed the Board, informing them that if the Village eliminated any parking spots on 7<sup>th</sup> Avenue, it would reduce parking for his customers.

The Board discussed the matters at length, and postponed the matter for review and input from the residents in the areas, as well as report and recommendation from the Police Department.

Matter tabled.

Item #17 -- Old Business/New Business. Discussion of Upcoming meeting dates and times.

It has been discussed the Board may want to add a Budget Work Session and to change the regular meeting times from 8 p.m. to 7:30 p.m.

The Board agreed to previously scheduled Meeting dates and times, added a Work Session on March 31, 2005, and decided to change all meeting start times to 7:30 p.m.

Item #18 – Approval of accounts payable and authorization of payment.

After discussion, on the motion of Trustee ) Potocki, seconded by Trustee Homan, the Board of Trustees adopted the following resolution unanimously, by vote of six in favor, none opposed, one absent (Hotchkiss) as follows:

RESOLUTION

**WHEREAS**, pursuant to Section 5-524 of the New York State Village Law, the Board of Trustees shall audit all claims against the Village.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Board of Trustees after audit of the following claims, authorizes payment for services rendered and materials received, for the following items that have been submitted to the Treasurer's Office for payment and authorized by the Village Administrator:

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$209,597.25
Water Fund	\$24,998.52
Capital Projects Fund	\$360.00
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
Grand Total	\$234,955.77

**NOW, THEREFORE, BE IT RESOLVED**, that this Board hereby approves payment of the above-mentioned claims and authorizes payment thereof.

The Board reviewed all the minutes, and agreed to approve all minutes, by all trustees present at each meeting. On the motion of Trustee Potocki, seconded by Trustee Merrick, all the following minutes were approved by the Trustees by a vote of six in favor, Hotchkiss absent.

September 21, 2004	December 21, 2004
October 5, 2004	January 4, 2005 (E.N.: already approved).
October 19, 2004	
November 2, 2004	January 18, 2005
November 16, 2004	February 1, 2005
December 7, 2004	February 15, 2005
	March 1, 2005

Item #20 – Adjournment.

On the motion of Trustee Greco, seconded by Trustee Homan, the Board agreed to an executive session on 2 personnel matters, and a matter of potential litigation. On the motion of Trustee Merrick, seconded by Trustee Homan, the

Board agreed unanimously (Hotchkiss absent) to adjourn the meeting after completing the Executive Session.

Respectfully submitted,  
Richard Slingerland, Administrator/Deputy Clerk